

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appl. No: 10/088,037  
 Applicant: Kenji Morimoto, et al.  
 Filed: August 28, 2002  
 Title: DATA RECORDING APPARATUS, DATA  
       REPRODUCING APPARATUS, DATA RECORDING  
       METHOD, AND DATA REPRODUCING METHOD  
 TC/A.U.: 2621  
 Examiner: Helen Shibu  
 Docket No.: MTS-3321US

**REQUEST FOR REFUND**  
 (Improper Charge of Deposit Account)

Mail Stop 16  
 Director of the U.S. Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**I. REFUND REQUEST**

This is a request for refund with respect to the charge to Deposit Account No. 18-0350 shown on the statement for December 2007 for the above-identified application.

- Accompanying this request is a copy of the monthly statement on which the referred error is listed.

**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

		Amount of Refund Requested
<input type="checkbox"/>	Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e))	\$ 0
<input type="checkbox"/>	Extension of time - months	\$ 0
<input checked="" type="checkbox"/>	Excess claims	\$ 1320.
<input type="checkbox"/>	Issue Fee	\$ 0

<input type="checkbox"/>	Petition Fee	\$	0
<input type="checkbox"/>	Patent Maintenance Fee - year	\$	0
<input type="checkbox"/>	Patent Maintenance Fee Surcharge	\$	0
<input type="checkbox"/>	Other (please explain)	\$	0
<b>TOTAL REFUND REQUESTED</b>		\$	<b>1320.</b>

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

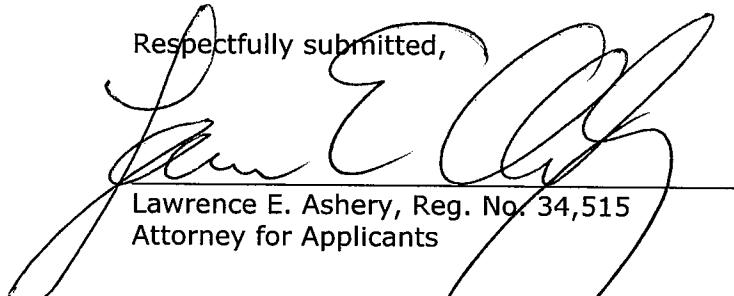
Additional claims amount of \$520. was paid using a credit card on December 11, 2007 as indicated on the Fee Transmittal, a copy of which is attached. On December 26, 2007 the USPTO incorrectly charged \$1320. to Deposit Account Number 18-0350 for the same transaction. Accordingly, a credit to Deposit Account Number 18-0350 in the amount of \$1320. is requested.

### IV. MANNER OF REFUND

Please make refund by:

- crediting Deposit Account No. 18-0350.
- refunding payment.

Respectfully submitted,



Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicants

LEA/dmw

Attachment:

Copy of the Deposit Account Statement on which the referred error is listed  
Copy of the Fee Transmittal on which the additional claims fee was paid by credit card

Dated: August 13, 2008

P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

321768



**United States  
Patent and  
Trademark Office**

Ratner & Prestia  
(USPTO) Home Page  
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**Deposit Account Statement**

COPY

**Requested Statement Month:** December 2007  
**Deposit Account Number:** 180350  
**Name:** RATNER AND PRESTIA  
**Attention:**  
**Street Address 1:** P O BOX 980  
**Street Address 2:**  
**City:** VALLEY FORGE  
**State:** PA  
**Zip:** 19482  
**Country:** UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/03 1	90008142	0002717-00264	1462	-\$400.00	\$35,748.13
12/03 2	90008142	0002717-00264	1463	\$200.00	\$35,548.13
12/03 11461	10740879	ITDE-PSSD127AU	8007	\$20.00	\$35,528.13
12/04 9112	60855106	FMCF-146TW & 147TW	8007	\$40.00	\$35,488.13
12/04 9113	60855066	FMCF-146TW & 147TW	8007	\$40.00	\$35,448.13
12/04 9488	11925235	FMCF-146TW & 147TW	8007	\$20.00	\$35,428.13
12/04 9489	11925375	FMCF-146TW & 147TW	8007	\$20.00	\$35,408.13
12/04 3	10363376	UD01-01(131*239)	2202	\$25.00	\$35,383.13
12/05 6545	60817509	ITDE-PACD149AU	8007	\$20.00	\$35,363.13
12/05 6546	11504430	ITDE-PACD149AU	8007	\$20.00	\$35,343.13
12/05 1	11059617	047177-9177-00	1252	\$460.00	\$34,883.13
12/06 8484	11596167		8021	\$40.00	\$34,843.13
12/07 1155	60873226	TAL-119TW	8007	\$60.00	\$34,783.13
12/07 17	P114386	TAL119	1463	\$200.00	\$34,583.13
12/17 12690	60983405	UOD233USP	8021	\$40.00	\$34,543.13
12/18 3	10800812	TJA-100US	1801	\$810.00	\$33,733.13
12/19 5	P114474		1463	\$200.00	\$33,533.13
12/19 11479	11711228	PMR-109MX	8007	\$20.00	\$33,513.13
12/19 11497	11601346	MICR-225TW	8007	\$20.00	\$33,493.13
12/19 11510	11633322	SCO-114TW	8007	\$20.00	\$33,473.13
12/19 58	10555232	MAT-8760US	1814	\$130.00	\$33,343.13
12/19 59	10555232	MAT-8760US	1814	\$130.00	\$33,213.13
12/19 60	10555232	MAT-8760US	1814	\$130.00	\$33,083.13
12/21 12496	6822742	ITDE-PSS0127AU	8013	\$25.00	\$33,058.13
12/21 12737	0153770047		8014	\$25.00	\$33,033.13
12/21 1	10505387	PC10373US	1252	\$340.00	\$32,693.13

12/21 22	P114386		1463	\$200.00	\$32,493.13
12/21	15023 11644722	ITDE-PNV135TW	8007	\$20.00	\$32,473.13
12/26 1	10088037	MTS-3321US	1201	\$420.00	\$32,053.13
12/26 2	10088037	MTS-3321US	1202	\$900.00	\$31,153.13
12/26	16579 11510443	ITDE-PACD191AU	8007	\$20.00	\$31,133.13
12/31 31	11014129	ZDZ-100US	2501	\$20.00	\$31,113.13

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$35,348.13	\$4,635.00	\$400.00	\$31,113.13

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Effective on 12/08/04.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	520
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### Complete if Known

Application Number	10/088,037
Filing Date	August 28, 2002
First Named Inventor	Kenji Morimoto et al.
Examiner Name	Helen Shibru
Art Unit	2621
Attorney Docket No.	MTS-3321US

### METHOD OF PAYMENT (check all that apply)

- Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_
- Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	310	155	510	255	210	105	—
Design	210	105	100	50	130	65	—
Plant	210	105	310	155	160	80	—
Reissue	310	155	510	255	620	310	—
Provisional	210	105	0	0	0	0	—

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims		Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		Fee (\$)	Fee (\$)
	Fee (\$)	Fee (\$)			Fee (\$)	Fee (\$)		
50	- 48 or HP =	2	x 50	= 100	—	—	50	25
HP = highest number of total claims paid for, if greater than 20							210	105
Indep. Claims	Extra Claims	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	370	185
8	- 6 or HP =	2	x 210	= 420	—	—	—	—
HP = highest number of independent claims paid for, if greater than 3								

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
—	- 100 =	/ 50 = (round up to a whole number)	x	=

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Fees Paid (\$)

SUBMITTED BY	Complete (if applicable)			
Signature	Registration No. Attorney/Agent)	34,515	Telephone	610-407-0700
Name (Print/Type)	Lawrence E. Ashery	Date	December 11, 2007	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.